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OFFICE OF HUMAN RESOURCES

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MEMORANDUM

TO: Agency Heads and Human Resources Directors of All Agencies, Departments, Institutions, and Commissions

FROM: Samuel L. Wilkins
Director

DATE: June 28, 2005

SUBJECT: 2005 Legislative Update

The following is a summary of human resources related legislation enacted by the South Carolina General Assembly during the 2005 legislative session. Please consult the full text of the legislation for complete details by referring to the General Assembly web site at <http://www.scstatehouse.net/> or the Office of Human Resources web site at <http://ohrweb.ohr.state.sc.us/OHR/employer/OHR-state-laws.phtm>.

The following bills have been ratified and signed by the Governor:

State Retirement System Preservation and Investment Reform Act (A153, R200, S618)

This legislation, ratified on 6/6/05 and signed by the Governor on 6/10/05, contains significant changes for TERI program participants and retirees working in state agencies with regard to annual leave, grievance rights, and reduction in force. For more information, including frequently asked questions, about this legislation, please refer to the Office of Human Resources web site at <http://ohrweb.ohr.state.sc.us/OHR/employee/OHR-employee-618faqs.phtm>.

Volunteer Firefighter and Emergency Medical Services Personnel Job Protection Act (A78, R92, S67)

This legislation, signed by the Governor on 5/26/05, states that an employer may not fire an employee who is a volunteer firefighter or a volunteer emergency medical services personnel when acting as a volunteer firefighter or a volunteer emergency medical services personnel, is part of the firefighter mobilization plan established pursuant to Chapter 49 of Title 23, and is responding to an emergency where the President of the United States has declared a state of emergency or where the Governor has declared a state of emergency in a county in the State.

Public Institutions of Higher Learning (A143, R186, H3673)

This act states that institutions of higher learning may spend federal and other non-state appropriated sources of revenue to provide lump-sum bonuses at levels outlined in a plan approved by the governing body of the respective public institution of higher learning and according to guidelines established in the plan. Institutions of higher learning may establish research grant positions funded by federal grants, public charity grants, private foundation grants, research grants, medical school practice plans, individual private gifts, externally generated revenue for service or testing activities, and grant generated revenue. Public institutions of higher learning may also offer and fund, from any source of revenue other than state approved sources, health insurance to full-time graduate assistants according to a plan approved by the governing body of the respective public institution of higher learning. The act was signed by the Governor on 6/7/05.

Domestic Abuse Related Job Loss (A50, R56, H3682)

This legislation signed by the Governor on 5/3/05 allows unemployment benefits if an employee has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and the employee reasonably fears future domestic abuse at or en route to the workplace needs to relocate to avoid future domestic abuse, or reasonably believes that leaving work is necessary for his safety or the safety of his family.

The following provisos under the Annual Appropriations Act (A115, R73, H3716) are new for Fiscal Year 2005-2006:

Proviso 72.102 (Employee Bonuses)

This proviso separates the provisions for employee bonuses from the Carry Forward proviso and clarifies that state agencies and institutions are allowed to spend state, federal, and other sources of revenue to provide selected employees lump sum bonuses.

Proviso 72.108 (Law Enforcement Officers Pay Increase)

This proviso provided salary increases, above the amount appropriated for base pay increases for state employees pursuant to proviso 63.38, to those law enforcement officers in the following agencies based upon the Law Enforcement Salary Review by the State Budget and Control Board: Department of Public Safety, State Law Enforcement Division, Department of Natural Resources, Department of Juvenile Justice, Department of Corrections, and Department of Probation, Parole and Pardon Services.

The following provisos under the Annual Appropriations Act (A115, R73, H3716) are amended or deleted for Fiscal Year 2005-2006:

Proviso 63.21 (Mandatory Furlough) and Proviso 72.49 (Voluntary Furlough)

Both of these provisos were amended so that the ability of a state agency to implement a mandatory or voluntary furlough would be based on whether the general funds appropriated for the agency in Fiscal Year 2005-2006 are less than those appropriated in Fiscal Year 2001-2002 rather than the preceding fiscal year.

Proviso 63.29 (Family Sick Leave)

The proviso, which allowed state employees to use 10 days of their sick leave to care for ill members of their immediate family, was deleted. This provision was codified in Section 8-11-40 of the S.C. Code of Laws last legislative session.

Proviso 63.38 (Employee Compensation)

Classified and unclassified employees will receive a 4% compensation increase effective on the first pay date that occurs on or after July 1 of the current fiscal year. Funding was also provided for an average 4% increase for unclassified employees, employees under the unclassified executive compensation system, and agency heads not covered by the Agency Head Salary Commission.

Agency heads covered by the Agency Head Salary Commission, upon approval of the Budget and Control Board, may receive salary increases to be effective on the first pay date that occurs on or after January 1 of the current fiscal year. No agency head shall be paid less than the minimum of the pay increase range nor receive a salary increase that would have the effect of raising the salary above the maximum of the pay range.

Proviso 72.18 (Personal Service Reconciliation, FTEs)

This proviso was amended to allow the Budget and Control Board to delete positions shown by the reconciliation to be unfunded or significantly underfunded. If you have specific questions about the deletion of these positions, please contact the Budget and Control Board’s Office of State Budget at (803) 734-2280.

Proviso 72.30 (Carry Forward)

The bonus provisions of this proviso were deleted and are now authorized in Proviso 72.102.

The following provisos under the Annual Appropriations Act (A115, R73, H3716) have not been changed for Fiscal Year 2005-2006:

- 63.10 Compensation-Agency Head Salary
- 63.11 Compensation-Reporting of Supplemental Salaries
- 63.12 Mid-Year Budget Reductions & Restricting the Rate of Expenditures
- 63.13 Compensation Increase – Appropriated Funds Ratio
- 63.14 Vacant Positions
- 63.15 Higher Education Salary Limit Exemption
- 63.28 Adoption Assistance Program
- 63.32 Military Service
- 63.35 Military Service Leave
- 72.16 Discrimination Policy
- 72.17 Residency Preference
- 72.19 Allowance for Residences & Compensation Restrictions
- 72.21 Universities & Colleges – Allowance for Presidents
- 72.26 Travel-Subsistence Expenses & Mileage
- 72.46 Voluntary Separation Incentive Program
- 72.53 Forego Salary Increase
- 72.56 Across-the-Board Reductions
- 72.63 Best Management Practices

- 72.65 Personnel Administration Exemption
- 72.72 Constitutional Officer Furlough
- 72.81 Organizational Charts

If you have any questions or need additional information regarding any of these provisos or statutes, please contact your Human Resources Consultant at 803-737-0900.

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